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IN 7
Cap 4

TITLE 7 - AGRICULTURE
CHAPTER VII - PRODUCTION AND MARKETING ADMINISTRATION
(Agricultural Adjustment)

PART 702 - INSULAR AGRICULTURAL CONSERVATION PROGRAM*

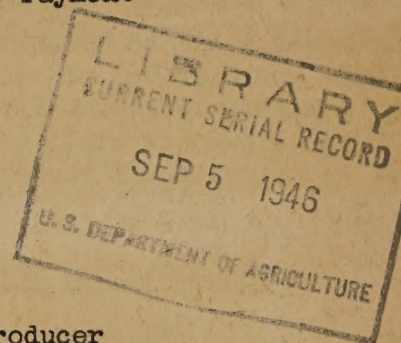
1947 BULLETIN

SUBPART 1947

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* Sections 702.801 to 702.812 are issued under authority contained in Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U.S.C. 590g to 590q).



Payment will be made for participation in the 1947 Agricultural Conservation Program in Alaska, Hawaii, and Puerto Rico (hereinafter referred to as the 1947 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

Section 702.801 FARM ALLOWANCES, PRACTICES
AND RATES OF PAYMENT

(a) Farm Allowances.--

Farm allowances shall be established in each area upon recommendation of the State office and approval of the Director of Field Service Branch of Production and Marketing Administration for the purpose of limiting payments to available funds. Farm allowances shall be based upon formulae which will provide for the equitable distribution of payments on the basis of individual farm conservation needs.

(b) Conservation Practices.--

(1) Basis for Approval

The conservation practices for which payment will be made shall be those which are recommended by the State office of each area of the Insular Region and approved by the Director of the Field Service Branch, Production and Marketing Administration, as best adapted for each of the areas to maintain and increase soil fertility, control and prevent erosion caused by wind or water, encourage conservation and better agricultural use of water; or conserve and increase range and pasture forage.

Payments will be made within the limit of the farm allowance for carrying out in the calendar year 1947 conservation practices approved for each area. To qualify for payment practices must be carried out by methods and with the kind of seed and other materials that conform to good farming practice, and must conform with prescribed specifications.

(2) Practices Carried Out with Local Government or Federal Aid

The extent of any practice shall not be reduced because it is carried out with materials or services furnished by the Field Service Branch, Production and Marketing Administration, (hereinafter referred to as the Field Service Branch) or by an agency of a Territory or Puerto Rico to another agency of the same Territory or to Puerto Rico. In other cases of local government or Federal aid, the total extent of any practice performed shall be reduced for purposes of payment by the percentage of the total cost of the practice which the State office determines was furnished by a local government or Federal Agency.

(c) Rates of Payment.--

The rate of payment for carrying out any practice in each area of the Insular Region will be recommended by the respective State office and approved by the Field Service Branch, in accordance with the following provisions:

(1) The rates of payments for application of material may not exceed 70% of the estimated average cost of such materials determined on a farm delivery basis.

(2) The rates of payment for engineering and construction practices may not exceed 80% of the estimated average cost of construction.

(3) The rates of payment for other practices may not exceed 80% of the estimated average cost of performing the practice, except when a higher rate of payment is justified on the basis of need for the practice in the area, or lack of familiarity on the part of farmers with the practice.

Section 702.802 DIVISION OF PAYMENTS

(a) Conservation Practice Payments.--

The payment earned in carrying out practices shall be paid to the producers who carried out the practices. If more than one producer contributed to the carrying out of the practices on the farm in 1947, the payment shall be divided in the proportion that the State office determines the producers contributed to the carrying out of the practices. All persons contributing to any practice carried out on a particular acreage shall be deemed to have contributed equally to the carrying out of that practice unless they establish to the satisfaction of the State office that their respective contributions thereto were not in equal proportion, in which event the participation shall be determined by the proportion which the State office finds each person contributed thereto.

(b) Death, Incompetency, or Disappearance of Producer.--

In case of the death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended. (5 F.R. 2875, 6 F.R. 1647, 4430, 9 F.R. 12237.)

Section 702.803 INCREASE IN SMALL PAYMENTS

The total payment computed under Section 702.801 for any person with respect to any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1;
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent;
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0.40	\$32.00 to \$32.99	\$10.40
\$2.00 to \$2.99	.80	\$33.00 to \$33.99	10.60
\$3.00 to \$3.99	1.20	\$34.00 to \$34.99	10.80
\$4.00 to \$4.99	1.60	\$35.00 to \$35.99	11.00
\$5.00 to \$5.99	2.00	\$36.00 to \$36.99	11.20
\$6.00 to \$6.99	2.40	\$37.00 to \$37.99	11.40
\$7.00 to \$7.99	2.80	\$38.00 to \$38.99	11.60
\$8.00 to \$8.99	3.20	\$39.00 to \$39.99	11.80
\$9.00 to \$9.99	3.60	\$40.00 to \$40.99	12.00
\$10.00 to \$10.99	4.00	\$41.00 to \$41.99	12.10
\$11.00 to \$11.99	4.40	\$42.00 to \$42.99	12.20
\$12.00 to \$12.99	4.80	\$43.00 to \$43.99	12.30
\$13.00 to \$13.99	5.20	\$44.00 to \$44.99	12.40
\$14.00 to \$14.99	5.60	\$45.00 to \$45.99	12.50
\$15.00 to \$15.99	6.00	\$46.00 to \$46.99	12.60
\$16.00 to \$16.99	6.40	\$47.00 to \$47.99	12.70
\$17.00 to \$17.99	6.80	\$48.00 to \$48.99	12.80
\$18.00 to \$18.99	7.20	\$49.00 to \$49.99	12.90
\$19.00 to \$19.99	7.60	\$50.00 to \$50.99	13.00
\$20.00 to \$20.99	8.00	\$51.00 to \$51.99	13.10
\$21.00 to \$21.99	8.20	\$52.00 to \$52.99	13.20
\$22.00 to \$22.99	8.40	\$53.00 to \$53.99	13.30
\$23.00 to \$23.99	8.60	\$54.00 to \$54.99	13.40
\$24.00 to \$24.99	8.80	\$55.00 to \$55.99	13.50
\$25.00 to \$25.99	9.00	\$56.00 to \$56.99	13.60
\$26.00 to \$26.99	9.20	\$57.00 to \$57.99	13.70
\$27.00 to \$27.99	9.40	\$58.00 to \$58.99	13.80
\$28.00 to \$28.99	9.60	\$59.00 to \$59.99	13.90
\$29.00 to \$29.99	9.80	\$60.00 to \$185.99	14.00
\$30.00 to \$30.99	10.00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10.20	\$200.00 and over	(2)

1 Increase to \$200.

2 No increase.

Section 702.804 PAYMENTS LIMITED TO \$10,000.00

(a) Individuals, Partnerships, Estates.--

The total of all payments made in connection with the 1947 program to any individual, partnership, or estate with respect to farms, ranching units and turpentine places located within a single State, Territory, or possession shall not exceed \$10,000.00.

(b) Others.--

The total of all payments made in connection with the 1947 program to any person other than an individual, partnership, or estate with respect to farms, ranching units and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed \$10,000.00.

(c) Evasion.--

All or any part of any payment which has been or otherwise would be made to any person under the 1947 program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device designed to evade, or which has the effect of evading the provisions of this section.

Section 702.805 GENERAL PROVISIONS RELATING TO PAYMENTS

(a) Practices defeating purposes of the Program.--

If the State office finds that any producer has adopted or participated in any practice which tends to defeat the purposes of the 1947 or previous programs, he may withhold or require to be refunded all or any part of any payment which has been or would be computed for such person.

(b) Depriving others of Payment.--

If the State office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1947 program.

(c) Failure to carry out approved erosion control measures.--

Payment will not be made to any person with respect to any farm which he owns or operates if the State office finds that he has been negligent and careless in his farming operations by failing to carry out approved erosion control measures on land under his control to the extent that any part of such land has become an erosion hazard during 1947 to other land in the community.

(d) Payment computed and made without regard to Claims.--

Any payment or share of payment shall be computed and made without regard to questions of title under Territorial Law or law of Puerto Rico; without deduction of claims for advances (except as provided in paragraph (e) of this Section, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary); and without regard to any claim or lien against any crop or proceeds thereof, in favor of the owner or any other creditor.

(e) Assignments.--

Any person who may be entitled to any payment in connection with the 1947 program may assign his payment in whole or in part as security for cash loaned or advances made for the purpose of financing the making of a crop in 1947. No assignment will be recognized unless it is made in writing on Form ACP-69, and in accordance with the instructions in ACP-70.

Section 702.806 APPLICATION FOR PAYMENT

(a) Persons eligible to file applications.--

An application for payment with respect to a farm may be made by any person who contributed to the carrying out of approved practices.

(b) Time and manner of filing applications and Information required.--

Payment will be made only upon application submitted on the prescribed form to the respective State offices on or before the time limit as established by the Regional Director, except that the timely filing of an application by one person on a farm shall constitute the timely filing on behalf of all persons on the farm. Payment may be withheld from any person who fails to file any form, or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crop grown thereon, or for cash or standing rent. Signatures on applications and other forms shall be in accordance with ACP-16 (Revised May 4, 1945), Instructions on Signatures and Authorizations, a copy of which is available in the State office.

Any application may be rejected if any form or information required is not submitted to the State office within the time fixed by the Director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit shall be such as affords a full and fair opportunity to those eligible to file the form or information within the period prescribed.

Notice shall be given by mailing it to the office of each local Agricultural Extension Agent, and making copies of it available to the press.

Section 702.807 APPEALS

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the State office in writing to reconsider its recommendation, or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The State office shall notify him of its decision in writing within 15 days after receipt of a written request for reconsideration. If the producer is dissatisfied with the decision of the State office he may within 15 days after its decision is forwarded to or made available to him request the Director to review the decision of the State office.

Written notice of any decision rendered under this Section by the State office shall also be issued to each other producer on the farm who may be adversely affected by the decision.

Section 702.808 AREA BULLETINS, INSTRUCTIONS AND FORMS

The Field Service Branch is authorized to make determinations and to prepare and issue area Bulletins, instructions and forms required in administering the 1947 program.

Section 702.809 DEFINITIONS

For the purpose of the 1947 program:

SECRETARY means the Secretary of Agriculture of the United States.

DIRECTOR means the Director of the Field Service Branch, Production and Marketing Administration.

INSULAR REGION means the area included in the Territory of Alaska, the Territory of Hawaii, and Puerto Rico.

REGIONAL DIRECTOR means the official of the Field Service Branch in charge of the agricultural conservation programs in the Insular Region.

STATE OFFICE means the office of the Field Service Branch in Fairbanks, Territory of Alaska; Honolulu, Territory of Hawaii; San Juan, Puerto Rico; depending upon the area concerned.

PERSON means an individual, partnership, association, corporation, trust or estate, or other business enterprise or legal entity wherever applicable, a State, Territory, or Possession, or a political subdivision, or any agency thereof.

FARM means all tracts of cropland, pasture or range land and other land in Alaska, Hawaii and Puerto Rico (considering tracts located in only one of these areas) operated by one or more persons in 1947 as a single farming unit with cropping practices; work stock, farm machinery, management and labor substantially separate from that for any other land; and any field-rented tract (whether operated by the same or another person) which together with any other land in the farm constitutes a unit with respect to the rotation of crops and conservation practices.

Section 702.810 AUTHORITY, AVAILABILITY OF
FUNDS AND APPLICABILITY

(a) Authority.--

This program is approved pursuant to the authority vested in the Secretary of Agriculture under Sections 7-17, inclusive of the Soil Conservation and Domestic Allotment Act, as amended.

(b) Availability of Funds.--

The provisions of the 1947 program are necessarily subject to such legislation affecting the program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriations as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by the appropriation.

(c) Applicability.--

The provisions of the 1947 program contained herein, except section 702.804, are applicable only to the Territories of Alaska and Hawaii and to Puerto Rico. They do not apply to any department or bureau of the United States Government or any corporation wholly owned by the United States, or to grazing land owned by the United States which was acquired or reserved for conservation purposes or which is to be retained permanently under Government ownership, including, but not limited to, grazing land administered under the Taylor Grazing Act, or by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Biological Survey of the United States Department of Interior.

The program is applicable to (1) privately-owned lands; (2) lands owned by corporations which are partly owned by the United States, such as Federal Land Banks and Production Credit Associations; (3) land temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes including lands administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, or by any other Government agency designated by the Field Service Branch, Production and Marketing Administration; and (4) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C.

this 23rd day of August, 1946.

Witness my hand and the seal of the

Department of Agriculture

/s/ Charles F. Brannan
Acting Secretary of Agriculture